IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CLEARDOC, INC. D/B/A OPENREEL, 　　　　　Plaintiff, 　　v. RIVERSIDEFM, INC., 　　　　　Defendant.	C.A. No. 21-1422-RGA

RIVERSIDE'S NOTICE OF SUBSEQUENT DEVELOPMENTS REGARDING ITS OPPOSITION TO OPENREEL'S MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to D. Del. LR 7.1.2(b), Defendant RiversideFM, Inc. ("Riverside") hereby provides this notice of subsequent developments relating to Plaintiff ClearDoc, Inc. d/b/a OpenReel's ("OpenReel") pending Motion for a Preliminary Injunction (D.I. 4) (the "Motion").

Riverside files this notice to advise the Court that, after Riverside filed its Answering Brief in Opposition to the Motion (D.I. 31), OpenReel announced and began promoting an "Adaptive Uploading" feature. OpenReel has made certain representations regarding that "Adaptive Uploading" feature, including in the attached Exhibits 1-4:

Ex.	Description
1	OpenReel Capture Product Updates, December 2021 Source: www.openreel.com/blog/capture-product-update-december-2021/ (last accessed January 19, 2022)
2	Everything You Need to Know About Capture's Adaptive Upload Feature Source: www.openreel.com/blog/adaptive-upload-faq/ (last accessed January 19, 2022)
3	Adaptive Uploading Source: http://helpcenter.openreel.com/hc/en-us/articles/4412583654679-Adaptive Uploading (last accessed January 19, 2022)

Ex.	Description
4	Uploading Best Practices and FAQs (2.0) Source: http://helpcenter.openreel.com/hc/en-us/articles/1500007400361-Uploading-Best-Practices-and-FAQs-2-0 (last accessed January 19, 2022)

OpenReel's representations regarding "Adaptive Uploading" are relevant to and contradict arguments that OpenReel makes in support of its Motion. In its Opening Brief in Support of the Motion (D.I. 5), OpenReel argues that Riverside's progressive uploading of four-second parts of recorded content as the recording continues satisfies the requirement that content is uploaded "after the recording is complete," based on a plain and ordinary interpretation of that language. (*See, e.g.*, D.I. 5 at 7 ("After each of these recordings is completed [each four-second part], the media content is uploaded by the mobile device and received by the Riverside Platform.").) The following statements in OpenReel's recent announcements regarding its own progressive uploading feature (Adaptive Uploading) are relevant to and contradict that argument:

- "For even faster upload speeds, Directors can now enable Adaptive Upload. This feature works by uploading segments of the clips *while the recording is still occurring*." (Ex. 1 at 2 (emphasis added));

- "Available in our December update, OpenReel Capture now supports the ability to actively upload footage *while the recording is taking place*." (Ex. 2 at 1 (emphasis added));

- "[Adaptive Upload] works by uploading chunks of the clips *while the recording is still occurring*. . . . If a Director opts to not use Adaptive Upload, then clips will not upload from the recording device until the recording ends." (Ex. 2 at 1 (emphasis added));

- "[Adaptive Upload] ensures that the clips are successfully uploaded *as the recording is taking place*, which helps prevent file loss in the event of a disrupted recording session and decreases upload time for both Directors and Subjects once the recording session has ended without degrading the quality of the local recording." (Ex. 3 at 2 (emphasis added)); and

- "We offer two types of uploading: Standard Uploading and Adaptive Uploading. Standard Uploading requires that a clip is finished recording

before you start to upload it. Adaptive Uploading actively uploads the recording file in sections *while the recording is still taking place*.” (Ex. 4 at 1 (emphasis added)).

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 19, 2022, a copy of the foregoing

document was served on the persons listed below in the manner indicated:

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